

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 47-50 have been cancelled. Claims 38, 39 and 47 have been amended. With this amendment, claims 38-47 are pending in this application. These amendments do not add new matter and are supported by the originally filed specification. Consideration and entry of these amendments is respectfully requested. Applicants reserve the right to prosecute any amended, cancelled, or otherwise unclaimed subject matter in this or another application.

Restriction Requirement

The Examiner requires restriction of this application to one of the following groups:

Group I: claims 38-47, drawn to expression vectors; and,

Group II: claims 48-50, drawn to a method of preparing an expression vector.

In order to comply with this restriction requirement, Applicants hereby elect Group I (claims 38-47). The Examiner further requires election of either tumor associated antigens or angiogenesis-associated antigens to which initial examination shall be limited; Applicants hereby elect tumor-associated antigens with traverse. The Examiner further requires election of a species of vector to which initial examination shall be limited; Applicants hereby elect poxvirus vectors with traverse. With the election of poxvirus vectors, the Examiner further requires election of a particular poxvirus vector; Applicants hereby elect avipox with traverse. Regarding the type of avipox vector, Applicants hereby elect ALVAC. Claims 38-47 encompass an ALVAC vector comprising the CAP(6D)-1,2 and human B7.1 sequences.

The species elections of tumor-associated antigens, poxvirus vectors, and ALVAC are made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to non-elected species written including all of the limitations of the allowed generic claim. In addition, all species elections are made with traverse. Applicants do not believe the species elections are necessary as all of the claims require CAP(6D)-1,2 and human B7.1. If CAP(6D)-1,2 (or fragments thereof) represents patentable subject matter, as Applicants believe is the case,

the Examiner will not need to conduct additional searches relating to particular vectors containing that sequence. As such, it is respectfully requested that this species election requirement be withdrawn.

CONCLUSIONS

Reconsideration of this application, as amended, is respectfully requested. The Examiner is encouraged to contact the undersigned if it is believed doing so would expedite prosecution.

Date: Monday, May 4, 2009 /Patrick J. Halloran/
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